WP(C) 4131/2006
BEFORE

HON'BLE SMT. JUSTICE A. HAZARIKA

Heard Mr BB Gogoi, learned counsel appearing for the petitioner. Also heard Ms M Gogoi, learned Standing Counsel, Education Department.

As agreed to by the learned counsel for the parties, this writ petition is disposed of at the admission stage itself.

The writ petition has been filed with the following prayers:

1) To do the needful so that the petitioner may be able to resume her duty as Assistant Teacher of Baranghati Senior Basic School.

2) To release the salary of the petitioner from 3.5.06 till date and/or pass such other appropriate order/orders.

The petitioner's case in brief is that the petitioner was appointed as Assistant Teacher in Kulhati Girls ME School by the District Elementary Education Officer, Kamrup on 11.2.94. Thereafter by an order dated 6.1.95 the District Elementary Education Officer, Kamrup extended the service of the petitioner until further order. Due to some anomalies in appointment of School teachers during the period of 19.3.91 to 30.11.96 the Government of Assam appointed an one man Enquiry Committee headed by Sri S. Monoharan, IAS, and subsequently by Task Force/District Level Screening Committee/Departmental Screening Committee and as per decision of the Cabinet Meeting held on 24.2.05 services of five ME/MVM/MV Working teachers of Kamrup district has been regularized w.e.f. their date of joining. Among the five teachers the name of the petitioner appears on the top of the list and thus her service was regularized as Asstt. Teacher in the Baranghati Senior Basic School by the District Elementary Education Officer, Kamrup vide his memo No. DEEO/AT/MCR/2002/14318-24 dated 28.4.06.

Accordingly, pursuant to the aforesaid order, on 3.5.06 the petitioner had joined as Assistant Teacher in the aforesaid school. But on 4.5.06, the President of the Managing Committee of the School along with some local people did not allow the petitioner to attend classes. The petitioner thereafter, informed Block Elementary Education Officer, Rangia and District Elementary Education Officer, Kamrup, in writing about the incident. But nothing has been done by the authority concerned. The salary of the petitioner has also not been released.

Being aggrieved, the petitioner has filed the instant writ application with the aforesaid prayers.

Having regard to the fact that the petitioner though, on the strength of the order to the said effect had joined as Asstt. Teacher in the said school on 3.5.06 and inspite thereof, allegedly on the unauthorized intervention of the local people she has not been able to discharge her duties, this court vide order dated 11.1.07 directed personal attendance of the District Elementary Education Officer, Kamrup, to offer his explanation in this regard.

Pursuant to the aforesaid court's order, the District Elementary Education Officer, Kamrup appeared personally before the court on 19.1.07 and prayed for time till today i.e. 24.1.07 to file affidavit indicating necessary steps taken by him to enable the petitioner to discharge her duties as Asst. Teacher in the school.

On his prayer so made, the court granted time till 24.01.2007 for filing affidavit by the District Elementary Officer, Kamrup. Accordingly, an affidavit has been filed by the District Elementary Education Officer, Kamrup today stating inter alia therein that he had requested the Block Elementary Education Officer , Rangia to withdraw the earlier letter dated 23.5.06 issued by him and further directed the petitioner to attend the school immediately in compliance to his letter and accordingly, now she is attending the school regularly as Asstt. Teacher.

Further, Mr. KN Das, District Elementary Education Officer, Kamrup has stated before this court that as stated in para 9 of the affidavit he has already sent proposal to the Government for releasing the arrear salary to the petitioner with

effect from 3.5.06 and the same is pending before the Government.

Heard learned counsel for the parties and perused the materials on record.

On the submissions made by the District Elementary Education Officer, Kamrup as well as the submissions made by Ms. M. Gogoi, learned Standing Counsel, Education Department, that the Government would take a decision at the earliest with regard to release of the salary to the petitioner, I direct the authority concerned to take a decision for releasing the arrear salary to the petitioner with effect from 3.5.06 within a period of six (6) weeks from today and to pay the current salary regularly.

With the above direction and observation, this writ petition stands disposed of. However, no order as to cost.